IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.73973-M of 2006

DATE OF DECISION:01.2.2007

Pardeep & Anr. .....Petitioners

Versus

State of Haryana & Anr. .....Respondents

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri Rakesh Nehra, Advocate
for the petitioners.

Shri Partap Singh, Sr. DAG, Haryana.

None for respondent No.2.

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Petitioners Pardeep & Harvinder, apprehending their arrest in a non-bailable offence in criminal complaint No. RBT/144/1 dated 22.5.2006 under Sections 148,149,323,308 IPC, titled as Rameshwar Versus Pardeep & Ors., pending in the Court of Additional Chief Judicial Magistrate, Jhajjar, has filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioners contends that in an occurrence, which took place on 7.2.2005, one person died from the side of the petitioner and three persons were injured. For that, FIR No. 46 dated 7.2.2005 was registered at Police Station Jhajjar under Sections 148/149/323/506/302 IPC. Counsel contends that after 15 months of the said occurrence, the accused side filed the instant complaint in which nine persons, including the petitioner, have been summoned to face trial under Sections 308, 323,148,149 IPC. He further contends that no specific injury

has been attributed to any person and the petitioner has been falsely implicated.

While issuing notice of motion on 27.11.2006, arrest of the petitioners was stayed subject to the condition that they will appear before the trial Court and furnish their regular bail bonds.

Inspite of service upon respondent No.2, no one is present on his behalf.

Counsel for the petitioners further contends that in view of the order dated 27.11.2006, the petitioners have appeared before the trial Court and furnished their regular bail bonds, which have been accepted and attested and since then they are regularly appearing.

In view of the above, the interim bail, granted vide order dated 27.11.2006 is made absolute.

Disposed of accordingly.

February 01, 2007 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**